

GOVERNMENT OF TELANGANA

ABSTRACT

Public Servants – Fisheries Department – Case under the Prevention of Corruption Act, 1988 for the allegation of demand and acceptance of bribe against Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool district – Trapped on 16-10-2017 – Sanction of Prosecution -Orders – Issued.

ANIMAL HUSBANDRY, DAIRY DEVELOPMENT & FISHERIES(V&F) DEPARTMENT

G.O.Ms.No. 17

Dated: 29-09-2018

Read:

From the Director General, Anti-Corruption Bureau, Telangana, Hyderabad
C.No.46/RCT-HMR/2017-S3,dt:14.6.2018.

ORDER:-

Whereas Sri Banoth Nagulu, S/o. Sri B. Malchoor worked as District Fisheries Officer, Nagarkurnool District from 11-10-2016 to 16-10-2017 and by virtue of the post held by him, he falls under the category of Public Servants as defined under section 2(c) of the P.C. Act, 1988 (Central Act No.49 of 1988).

2) And whereas, Sri Theppa Laxmaiah @ Pedduri Laxmaiah, S/o. Sri Narasimha, aged 47 years is an agriculturist and is a resident of Molachintalapally Village, Kollapur Mandal, Nagarkurnool District.

3) And whereas, Sri T. Laxmaiah, S/o. Sri Narasimha lodged a complaint before the DSP, ACB, Mahabubnagar stating that, he is the President of Fishermen's Co-operative Society, Molachintalapally village, Kollapur Mandal. During the Financial years 2014-2015 and 2015-16, Government have sanctioned Rs.10 Lakhs for construction of Community hall in his village for the Fishermen's Co-operative Society under Fisheries Development Scheme. The District Collector of erstwhile Mahabubnagar District, accorded administrative sanction and the then Assistant Director of Fisheries, Fisheries Department, Mahabubnagar issued proceedings for construction of community hall. The members of Fishermen's Co-operative Society Molachintapally village unanimously passed a resolution by entrusting the construction work of community hall to him. As such he made an agreement with Panchayathraj Department and for the payment of the amount, a joint account in his name and in the name of the District Fisheries Officer, Nagarkurnool was opened at ICICI Bank, Nagarkurnool. Then he took up the construction work and completed the same upto slab level. After completion of slab work during the last week of September 2017, he met Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool and informed about the completion of slab work of community hall in Molachintalapally village and requested for issuing cheque regarding the above work. Then the District Fisheries Officer Sri B. Nagulu replied that Sri Laxmaiah did not give the bribe amount while issuing the first cheque also and he further stated that without paying Rs.10,000/- as bribe he would not issue the 2nd cheque. For that, he requested that he could not afford to pay the bribe amount. But, the District Fisheries Officer Sri B. Nagulu reiterated that without paying Rs.10,000/- as bribe he would not issue the Cheque.

4. And whereas, for the said construction work, the District Panchayath Raj Engineer, Nagarkurnool completed the measurement book and on 09-10-2017 Sri Ch. Sudhakar Reddy, District Panchayath Raj Engineer, PIU-Division, Nagarkurnool addressed a letter to the District Fisheries Officer, Nagarkurnool, wherein he mentioned that a cheque for Rs.1,99,214/- has to be issued to Sri T. Laxmaiah and a Demand Draft for Rs.22,235/- has to be sent the District Panchayath Raj Engineer, PIU-Division, Nagarkurnool. The same letter was given to Sri T. Laxmaiah to be handed over at District Fisheries Officer, Nagarkurnool. As such on the same day he submitted the above letter at District Fisheries Office, Nagarkurnool. Sri T. Laxmaiah was not willing to pay the bribe amount to the District Fisheries Officer Sri B. Nagulu but without payment of demanded bribe amount, Sri B. Nagulu, District Fisheries Officer would not hand over the Cheque to him and he requested the DSP, ACB, Mahabubnagar to take necessary legal action against Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool.

(P.T.O)

5. And whereas, on receipt of the complaint, the DSP, ACB, Mahabubnagar District instructed Sri K. Sudershan, ACB, Mahabubnagar for verification of the genuineness of the complaints, antecedents of Sri T. Laxmaiah and Sri B. Naulu, District Fisheries Officer.

6. And whereas, as per instructions of the Inspector Sri K. Sudershan, the complainant Sri T. Laxmaiah took the spectacles having camera (Audio & Video Recording Device) to the District Fisheries Office in the morning hours on 10-10-2017, but the District Fisheries Officer Sri B. Nagulu was not present in the office and went to some place to leave the fish seed in a lake and about 4.00 PM the District Fisheries Officer Sri B. Nagulu returned to his office and at about 4.30 PM Sri T. Laxmaiah met him in the office by wearing the spectacles provided by the ACB officers and requested the District Fisheries Officer Sri B. Nagulu for issuing the Cheque. The District Fisheries Officer Sri B. Nagulu asked whether he brought the demanded bribe or not. When Sri T. Laxmaiah replied that he could not afford to give bribe amount and upon his request the District Fisheries Officer Sri B. Nagulu finally reduced the bribe amount to Rs.8,000/- and above transaction was recorded in the spectacles.

7. And whereas, on 16-10-2017 at 1000 hours, Sri T. Laxmaiah came to the ACB office and lodged a further written complaint in Telugu with a request to take necessary legal action against Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool. He also handed over the spectacles to Sri K. Sudershan, Inspector, ACB. at 12.00 hours. The Inspector submitted his report to the DSP, ACB with regard to the genuineness of Sri T. Laxmaiah and the District Fisheries Officer Sri B. Nagulu.

8) And whereas, after observing all the formalities, the DSP, ACB, Mahabubnagar registered a case in Crime No.3/RCT-ACB- MBNR/2017 U/s 7 of the Prevention of Corruption Act, 1988 on 16-10-2017 at 1200 hours against Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool District and made arrangements for laying the trap.

9) And whereas, it is alleged that, during the trap proceedings when Sri T. Laxmaiah by wearing Spectacles provided by the ACB Officials met Sri B. Nagulu, District Fisheries Officer in his Office at Nagarkurnool, while two male persons were busy with electricity repair works and one female person also was present in the room. After sometime the female employee came out from the room. He asked the District Fisheries Officer Sri B. Nagulu about his cheque whether it was ready. The District Fisheries Officer Sri B. Nagulu expressed about readiness of the cheque by nodding his head. Then the District Fisheries Officer Sri B. Nagulu with hand signs and facial expressions kept a cover on his office table with his left hand and asked him to keep the amount inside the cover. On the instructions of the District Fisheries Officer Sri B. Nagulu, Sri T. Laxmaiah took the small used brown colour cover and kept the tainted amount of Rs.8,000/- in the cover and gave it to the District Fisheries Officer Sri B. Nagulu, who took the cover with his right hand and hold with both hands and asked him how much was there. On that, he replied that 8 were there in the cover. Then the District Fisheries Officer Sri B. Nagulu kept the cover in the left side drawer office table with his left hand informed the complainant to call the Senior Assistant Sri Achanna. When Sri T. Laxmaiah went outside from his room, Sri Banoth Nagulu, District Fisheries Officer took the amount given by Sri T. Laxmaiah from the cover, counted them and kept it in his shirt pocket. After receiving the said cover, the District Fisheries Officer Sri B. Nagulu asked him that whether he gave all the papers. On that he said that already he gave the papers. Then the District Fisheries Officer Sri B. Nagulu instructed him to call Sri Achanna. Then he came out from the room and called Sri Achanna who was attending to his work in the office hall. Again he and Sri Achanna entered the office room of the District Fisheries Officer Sri B. Nagulu. On seeing Sri Achanna, the District Fisheries Officer Sri B. Nagulu asked the Senior Assistant Sri Achanna to see his work. Then Sri Achanna left the room and went into the office hall. After five minutes again he went to the gate of office hall and called Sri Achanna. On that Sri Achanna went into the room of Sri B. Nagulu, District Fisheries Officer with a cheque book and a file. The District Fisheries Officer Sri B. Nagulu put his signatures on some paper and obtained the signatures of Senior Assistant. Later the District Fisheries Officer Sri B. Nagulu put

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the signature on cheque and instructed the Senior Assistant to get Xerox of the cheque and issued the cheque to him. Later he went to the office and received the cheque from the Senior Assistant Sri Achanna and came out of the office hall and gave the pre-arranged signal to the trap party by removing the spectacles and cleaning them with his shirt. Immediately the DSP and trap party along with mediators rushed to the office room of Sri B. Nagulu, District Fisheries Officer. The DSP instructed him to wait outside the office till further instructions. While going outside, he handed over the Audio and Video recording spectacles to Sri K. Sudarshan, Inspector, ACB.

10) And whereas, the Phenolphthalein Tests conducted over the fingers of both the hands of Sri B. Nagulu, District Fisheries Officer yielded positive results and the tainted amount of Rs.8,000/- was recovered from Sri B. Nagulu from the left side front pocket of wearing shirt at his instance. When the inner linings of left side front pockets of wearing shirt of Sri B. Nagulu, District Fisheries Officer and the inside portion of brown colour envelop which came into contact with the tainted currency were subjected to phenolphthalein tests, they also yielded positive results. The DSP, ACB Mahabubnagar seized the tainted currency notes after due verification and comparing with the note numbers already mentioned in pre-trap proceedings and the material objects along with the documents pertaining to Sri T. Laxmaiah was seized under cover of post-trap proceedings.

11) And whereas, the above said acts of Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool constitute offences punishable under sections 7 and sub-section (2) of section 13 read with clause (d) of sub-section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act, No. 49 of 1988).

12) And whereas, the Government of Telangana, Hyderabad being the competent authority to remove Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool District from service, after fully and carefully examining the material i.e. FIR, pre-trap and post-trap proceedings, statement of witnesses, Final Report of the Director General, ACB, Telangana, Hyderabad and all the relevant documents placed before them in respect of the said allegation and having regard to the circumstances of the case, consider that the said Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool District should be prosecuted in a Court of Law for the aforesaid offences.

13) Now, therefore, in exercise of the powers conferred under clause (b) of sub-section (1) of section 19 of the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988), Government of Telangana, hereby accord sanction for prosecution of Sri Banoth Nagulu, District Fisheries Officer, Nagarkurnool District for the aforesaid offences punishable under section 7 and clause (d) of sub-section (1) of section 13 read with sub-section (2) of section 13 of the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988) and for any other cognate offences punishable under any other provisions of Law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a Court of Competent Jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**(SANDEEP KUMAR SULTANIA)
SECRETARY TO GOVERNMENT**

To
The Director General,
Anti Corruption Bureau,
Telangana State, Hyderabad.